

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CARRIE STEVENS and
RICHARD ADKINS,

Plaintiffs,

v.

CIVIL ACTION NO. 3:25-00084

JEWELL and RICHARD MAYNARD,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendants Jewell and Richard Maynard's *pro se* Motion to Dismiss Pursuant to Rule 12(b)(6). ECF No. 5.

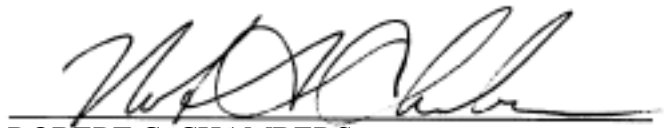
In the Complaint, Plaintiffs bring a claim under 42 U.S.C. § 1983 alleging that Defendants violated Plaintiffs' due process rights. *Compl.* ¶¶ 31–32. Specifically, Plaintiffs allege that the Sheriff of Wayne County sold Plaintiffs' property to Defendants and that neither the Sheriff of Wayne County nor Defendants provided Plaintiffs with proper notice. *Compl.* ¶¶ 17–19.

Federal Rule of Civil Procedure 8(a) requires that a complaint contain “a short and plain statement of the claim showing [the plaintiff] is entitled to relief.” The complaint must contain “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Facial plausibility exists where “the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). Courts accept all factual allegations in the complaint as true when considering the plausibility of a plaintiff's claim. *Id.*

Defendants fail to identify any specific legal insufficiency in Plaintiffs' Complaint. Instead, Defendants challenge the factual allegations made in the Complaint. However, for purposes of a motion to dismiss, the Court must accept the factual allegations in the Complaint as true. Accordingly, the Court **DENIES** Defendants' motion. ECF No. 5.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: May 5, 2025

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE